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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,544	12/31/2003	Louis A. Lippincott	884.A64US1	5576

21186 7590 08/10/2007  
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EXAMINER
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HASSAN, AURANGZEB

ART UNIT	PAPER NUMBER
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2182

MAIL DATE	DELIVERY MODE
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08/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/750,544	<b>Applicant(s)</b> LIPPINCOTT, LOUIS A.	
	<b>Examiner</b> Aurangzeb Hassan	<b>Art Unit</b> 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) 4,7,8,10-18,26,29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,9,23-25,27 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/5/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Upon further review the Examiner notes that there are two outstanding restriction elections, first one filed 5/23/2007 and the second filed 5/25/2007. They are contradicting and in light of the power of attorney filed 5/11/2007, the response filed 5/23/2007 is considered moot, as the attorney is no longer representing the applicant.

Furthermore, the Examiner noticed Claims **7 and 26** are directed to multiple processors performing video storage and enhancing operations, and **accordingly should be grouped in Species II and not Species I** as was previously presented by the Examiner in the Office Action dated 1/23/2007.

**Therefore, Group I, contains** the following patentably distinct species:

**Species I, claims 1 – 3, 5, 6, 9, 23 – 25, 27, 28** are directed to a single processor performing video storage and enhancing operations.

**Species II, claims 4, 7, 8, 10 – 18, 26, 29, 30** are directed to multiple processors performing video storage and enhancing operations.

2. The Examiner contacted the Applicant, Gregg A. Peacock (Reg. No. 45,001), in regards to the modification to the restriction requirement and notes the Applicant's election without traverse of **Group I, Species I claims 1 – 3, 5, 6, 9, 23 – 25, 27, 28** over the phone on 8/1/2007 is acknowledged. The Applicant has also cancelled **Group II and withdrawn Species II without traverse**.

***Claim Rejections - 35 USC § 101***

**3. 35 U.S.C. 101 reads as follows:**

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**4. Claims 23 – 28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The preamble of claims 23 – 28 recites “machine-readable medium that provides instructions, which when executed by a machine”. According to the applicant’s specification in paragraph [0147] machine-readable medium includes “electrical, optical, acoustical or other forms of propagated signals (e.g., carrier waves, infrared signals, digital signals, etc.).” Such a machine-readable medium is not limited to statutory embodiments and does not fall into one of the four statutory categories. As an example the examiner suggests corrections in order to fall into one of the four statutory categories by exhibiting tangible sources of computer readable medium.**

To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (non-statutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

***Claim Rejections - 35 USC § 102***

Art Unit: 2182

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 – 3, 5, 6, 23 – 25, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Faroudja (US Patent Number 5,151,783).

7. As per claims 1, 9 and 23, Faroudja teaches a method, apparatus and machine-readable medium comprising: receiving video into a video display device (television system, column 3, lines 44 – 51); storing, by at least one processor (detail processor 38, figure 3a), the video into a memory, upon determining (detecting carrier modulation is the determining of the mode, column 4, lines 3 – 15) that the video display device is in a storage mode (storage mode stores into magnetic recording medium, column 3, lines 45 – 51 and shown as done by processor in column 6, lines 37 – 46); and performing enhanced image processing on the video with the at least one processor, upon determining that the video display device is in an image processing mode (image processing by image detail processor 38, column 7, lines 22 – 32).

8. As per claims 2 and 24, Faroudja teaches a method and machine-readable medium further comprising compressing (compression takes place at 42, figure 3a, which is before storing which occurs at path 12, figure 3b), by the at least one

processor, the video prior to storing the video into the memory, upon determining that the video display device is within the storage mode.

9. As per claims 3 and 25, Faroudja teaches a method and machine-readable medium wherein compressing, by the at least one processor, the video comprises performing frame reduction on the video, by a first processor of the at least one processor (frame reduction known, column 1, lines 34 – 37, and performing in the modification of the recurrent picture frame rate, column 3, lines 52 – 63)

10. As per claims 5 and 27, Faroudja teaches a method and machine-readable medium wherein performing enhanced image processing on the video comprises performing a ghost reduction operation (ghost reduction column 5, lines 55 – 67).

11. As per claims 6 and 28, Faroudja teaches a method and machine-readable medium wherein performing enhanced image processing on the video comprises performing a noise reduction operation (noise reduction 70, figure 3b, column 8, lines 38 – 58).

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aurangzeb Hassan whose telephone number is (571) 272-8625. The examiner can normally be reached on Monday - Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AH



KIM HUYNH  
SUPERVISORY PATENT EXAMINER

8/6/07